

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 JOEL CHRISTOPHER HOLMES,

10 Petitioner,

11 v.

12 JOHN LOVICK,

13 Respondent.
14

CASE NO. C11-1097RSM

ORDER OF DISMISSAL

15 The Court, having considered the Report and Recommendation of the Honorable Brian A.
16 Tsuchida, United States Magistrate Judge; petitioner's objections; respondent's response to the
17 objections; and the balance of the record, does now FIND and ORDER:

18 (1) The Report and Recommendation is APPROVED and ADOPTED;

19 (2) The Court shall exercise discretion under 28 U.S.C. § 2254(b)(2) to consider the petition on
20 the merits, notwithstanding petitioner's failure to exhaust all claims;

21 (3) The petition is DENIED on the merits for the reasons set forth in the well-reasoned Report
22 and Recommendation, and DISMISSED with prejudice;

23 (4) The Court DENIES issuance of a certificate of appealability; and

24 (5) The Clerk shall send a copy of this Order to all parties and to Judge Tsuchida.

25 DATED this 16 day of April 2012.

26 

27 RICARDO S. MARTINEZ
28 UNITED STATES DISTRICT JUDGE